

CLAIM FOR DAMAGE, INJURY OR DEATH RESULTING FROM GOLD KING MINE INCIDENT		INSTRUCTIONS: Please read carefully the instructions on the reverse side and supply information requesting on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.		[APPROVED BY NAVAJO NATION DEPT. OF JUSTICE] ¹	
1. Submit to: Richard Feldman Claims Officer U.S. EPA Office of General Counsel 1200 Pennsylvania Avenue, NW (MC 2399A) Washington, DC 20460		2. Name, address of claimant, and claimant's personal representative if any (See instructions on reverse). Number, Street, City, State, and Zip Code. (b)(6)			
3. TYPE OF EMPLOYMENT (b)(6)	4. DATE OF BIRTH (b)(6)	5. MARITAL STATUS (b)(6)	6. DATE AND DAY OF ACCIDENT August 5, 2015	7. TIME (AM OR PM) N/A	
8. BASIS OF CLAIM (State in detail the known facts and circumstances attending the damage, injury, or death, Identifying persons and property involved, the place of occurrence and the cause thereof. Use additional pages if necessary). • Gold King Mine disaster releasing toxic wastewater into Animas and San Juan Rivers. • Farm plot (b)(6) effected. • Land use permit attached.					
9. PROPERTY DAMAGE					
NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, Street, City, State, and Zip Code) (b)(6)					
BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF THE DAMAGE AND THE LOCATION OF WHERE THE PROPERTY MAY BE INSPECTED. (See instruction on reverse side). Heavy metal and other chemicals contaminated the river water used for agriculture.					
10. PERSONAL INJURY/WRONGFUL DEATH					
STATE THE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE THE NAME OF THE INJURED PERSON OR DECEDENT. —					
11. WITNESS					
NAME (b)(6)		ADDRESS (Number, Street, City, State, and Zip Code) (b)(6)			
12. (See instructions on reverse) AMOUNT OF CLAIM (in dollars)					
12a. PROPERTY DAMAGE (b)(4)	12b. PERSONAL INJURY —	12c. WRONGFUL DEATH —	12d. TOTAL (Failure to specify may cause forfeiture of your rights). (b)(4)		
I CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE, THE AMOUNT OF THE CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE INCIDENT ABOVE. I HEREBY EXPRESSLY RESERVE MY RIGHT TO FILE SUPPLEMENTAL CLAIMS FOR DAMAGES AND INJURIES IN THE EVENT OF ANY FUTURE DISCOVERY OR ASSESSMENT OF ADDITIONAL DAMAGES OR INJURIES CAUSED BY THE INCIDENT ABOVE.					
13a. SIGNATURE OF CLAIMANT (See instruction on reverse side). (b)(6)		13b. PHONE NUMBER OF PERSON SIGNING FORM (b)(6)		14. DATE OF SIGNATURE 2-1-16	

¹ This form was drafted by the Navajo Nation Department of Justice in an effort to communicate that the claimant is not waiving future rights. There is no guarantee that any United States agency will accept this form or grant the claim stated on this form. This form does not offer or purport to offer legal advice. Claimants should decide for themselves whether to use this form, the Standard Form 95 provided by the United States Department of Justice, or any other form, and may wish to consult with their own attorney prior to doing so.

February 1, 2016

Attn: Richard Feldman
Claims Officer
U.S. EPA Office of General Counsel

Re: Gold King Mine Claim

Claimant: (b)(6)

Mr. Feldman, we are filing claim on our crop damage resulting from Gold King Mine incident.

We have approximately 26.6 acres of farm land that goes through strenuous program throughout the growing seasons with an average yield of (b)(4)

(b)(4)

(b)(4)

We as well have farm equipments to assist in our farming needs.

Attached are three copies of farm lease permits. Two copies (b)(6) and

(b)(6)

(b)(6)

(b)(6)

are under our names, the third copy is under (b)(6)

(b)(6) loaned her plot (b)(6) to us to grow alfalfa and upkeep the field. The plot use are as follow:

- (b)(6) = (b)(4)
- (b)(6) =
- (b)(6) =
- (b)(6) =

Some of the problems that have become inherent because of the Gold King Mine incident were: drought conditions due to irrigation water being turned off (no water to our crops), compaction of soil due to no water, causing a loss (b)(4)

(b)(4)

The Gold King Mine incident has caused us to reschedule our crop rotation sooner than we anticipated. We're not calculating into the crop damage cost, but will eventually combine this cost ourselves during crop rotation.

What we have calculated into the damage cost is the loss of (b)(4)

(b)(4) from cash crop gains, overhead recovery, labor, equipment maintenance and miscellaneous material.

RECOVERY :

(b)(4)



NAVAJO RESERVATION
Land Use Permit

AGRICULTURAL

District No. (b)(6) Project (b)(6)
To (b)(6) Census No. (b)(6)
(NAME)
Your application for an assignment of (b)(6) acres, Plot No. (b)(6)
(b)(6)

(DESCRIPTION)

is hereby approved; subject to the following conditions:

A. All land under assignment:

1. This land will be yours to use as long as beneficial use is made of it, as determined by the Superintendent of the SHIPROCK Agency, Navajo Area, Bureau of Indian Affairs.
2. In accordance with Tribal Council Resolution of July 11, 1943, the sale of a farm land assignment is prohibited. In the event of re-assignment, the original assignee may be entitled to compensation from the new assignee for such improvements as may have been placed on the above described land.
3. You may execute a will designating the person or persons to receive this assignment, in the event of your death. The form on the reverse side of this permit when executed, constitutes an adequate and binding will. This will must be approved by the Court of Indian Offenses, otherwise the assignment will descend as specified in Tribal Council resolution of July 11, 1943, in the same manner as it must descend if death occurs without a will.

B. Irrigated Lands:

1. The acceptance of this assignment requires that you do your full share of the work required to keep the ditches clean, maintain the principal water distribution system, and control waste water.
2. Operation and maintenance charges for irrigation may be assessed against this land. Annual payments, if required, must be paid by the assignee.
3. You are obligated to assume your share of the reimbursable indebtedness against the irrigation project, excepting as provided in the Leavitt Act of July 1, 1932 (47 Stat. 564) (Title 25 U.S. G. Section 386a).

Approved FEBRUARY 05, 1998

[Signature]
(Issuing Officer)

By Authority of the Secretary of the Interior

regarding provisions have been read and interpreted to me and I fully understand the obligations. I hereby agree to carry them out to the best of my ability and that I shall relinquish all claims to the use of this assignment in the event to meet any of the above provisions.

Signed

Census

(b)(6)



NAVAJO RESERVATION
Land Use Permit

AGRICULTURAL

District No. (b)(6) Project (b)(6)
(b)(6) To (b)(6) Census No. (b)(6)
(NAME)
Your application for an assignment of (b)(6) acres, Plot No. (b)(6)

FRUITLAND PROJECT
(DESCRIPTION)

is hereby approved; subject to the following conditions:

A. All land under assignment:

1. This land will be yours to use as long as beneficial use is made of it, as determined by the Superintendent of the SHELPROCK Agency, Navajo Area, Bureau of Indian Affairs.
2. In accordance with Tribal Council Resolution of July 11, 1943, the sale of a farm land assignment is prohibited. In the event of re-assignment, the original assignee may be entitled to compensation from the new assignee for such improvements as may have been placed on the above described land.
3. You may execute a will designating the person or persons to receive this assignment, in the event of your death. The form on the reverse side of this permit when executed, constitutes an adequate and binding will. This will must be approved by the Court of Indian Offenses, otherwise the assignment will descend as specified in Tribal Council resolution of July 11, 1943, in the same manner as it must descend if death occurs without a will.

B. Irrigated Lands:

1. The acceptance of this assignment requires that you do your full share of the work required to keep the ditches clean, maintain the principal water distribution system, and control waste water.
2. Operation and maintenance charges for irrigation may be assessed against this land. Annual payments, if required, must be paid by the assignee.
3. You are obligated to assume your share of the reimbursable indebtedness against the irrigation project, excepting as provided in the Leavitt Act of July 1, 1932 (47 Stat. 564) (Title 25 U.S. G. Section 386a).

Approved JANUARY 14, 1998

James W. Thomas
(Issuing Officer)

By Authority of the Secretary of the Interior

The foregoing provisions have been read and interpreted to me and I fully understand my obligations. I hereby agree to carry them out to the best of my ability and further agree that I shall relinquish all claims to the use of this assignment in the event of my failure to meet any of the above provisions.

Signed (b)(6)

Census (b)(6)

pickup: 3/17/98

NAVAJO RESERVATION

Land Use Permit

AGRICULTURAL

District No. (b)(6) Project (b)(6)
 To (b)(6) Census No. (b)(6)
(NAME)
 Your application for an assignment of (b)(6) acres, Plot No. (b)(6)
 (b)(6)

(DESCRIPTION)

is hereby approved; subject to the following conditions:

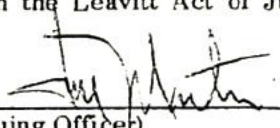
A. All land under assignment:

1. This land will be yours to use as long as beneficial use is made of it, as determined by the Superintendent of the SHIPROCK Agency, Navajo Area, Bureau of Indian Affairs.
2. In accordance with Tribal Council Resolution of July 11, 1943, the sale of a farm land assignment is prohibited. In the event of re-assignment, the original assignee may be entitled to compensation from the new assignee for such improvements as may have been placed on the above described land.
3. You may execute a will designating the person or persons to receive this assignment, in the event of your death. The form on the reverse side of this permit when executed, constitutes an adequate and binding will. This will must be approved by the Court of Indian Offenses, otherwise the assignment will descend as specified in Tribal Council resolution of July 11, 1943, in the same manner as it must descend if death occurs without a will.

B. Irrigated Lands:

1. The acceptance of this assignment requires that you do your full share of the work required to keep the ditches clean, maintain the principal water distribution system, and control waste water.
2. Operation and maintenance charges for irrigation may be assessed against this land. Annual payments, if required, must be paid by the assignee.
3. You are obligated to assume your share of the reimbursable indebtedness against the irrigation project, excepting as provided in the Leavitt Act of July 1, 1932 (47 Stat. 564) (Title 25 U.S. G. Section 386a).

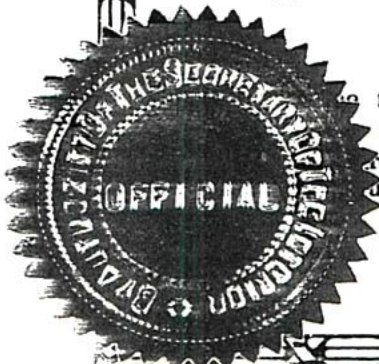
Approved SEPTEMBER 08, 1999


 (Issuing Officer)

By Authority of the Secretary of the Interior

foregoing provisions have been read and interpreted to me and I fully understand and agree to carry them out to the best of my ability and I hereby agree to relinquish all claims to the use of this assignment in the event I am unable to meet any of the above provisions.

Signed (b)(6)
 Census No. (b)(6)



Copy of September 10, 2015
Navajo Times article

Davis and Irene Harwood had built a traditional mud oven to steam corn, hoping to add value to their crop and sell it at the Northern and Navajo Nation fairs, but between the three weeks the canal system was shut off and an earlier pipeline break, they only harvested enough corn to preserve for their own family over the winter.

Their chilis, tomatoes and squash were a total loss, and the alfalfa was so low you could see the heads and tailfeathers of chickens pecking through the field.

be used.

Davis Harwood, a retired supervisor at the Four Corners Power Plant, said he was satisfied the water was safe because multiple agencies had tested it, and wished Begaye had lifted the ban a week earlier.

He said he would file a claim for compensation with the EPA when he could figure out a dollar value to put to his losses.

"You work so hard, hoeing and planting, and then this happens," he said, showing the reporter a bucket of corn ears too misshapen and stunted to

Board of Election Supervisors meeting

Navajo Nation Board of Election Supervisors will meet today, Sept. 10, at 9 a.m. Quality Inn Business Center, Conference Room Window Rock. Information: 1-800-775-8683

Reminisce Band music festival

10th annual Reminisce Band Music Festival will be held today, Sept. 12, at the Market in Window Rock. Admission free. Festival will follow the Navajo Fair Parade. Information: Yazzie, 505-876-5055-290-4968

Arizona Tri-Universities Indian Education meeting

Arizona Tri-Universities Indian Education meeting will be held today, from 8 a.m. to 5 p.m. Navajo Nation Quality Window Rock.

BMX Competition

Free BMX Competition held Friday, Sept. 11, 8 p.m. to 5 p.m. at the Diné Youth Skate Fort Defiance. There are four age categories: under, 11-13, 14-17, and 18+. Registration is free. Free food. Information: 871-7969

are provider open house

are provider open house Sept. 17 from 10 a.m. to 5 p.m. at the Fort Defiance Case Work Unit Room 58A. In Window Rock. Staff, enjoyments and ask questions how to qualify to child care provider. Information: 928-



Navahnezad farmers Davis and Irene Harwood talk about their corn Tuesday at their home in Navahnezad, N.M.

EPA report: Gold King Mike spill

By Alysa Landry
Special to the Times

WASHINGTON - The blowout at Colorado's Gold King Mine was inevitable, an internal review of the Aug. 5 incident found.

The Environmental Protection Agency, which has taken responsibility for the release of 3 million gallons of toxic wastewater from an abandoned mine upstream from the Animas and San Juan rivers, launched a rapid, week-long internal investigation into the spill on August 14. In a report released 10 days later, the agency found that the burst was likely inevitable and that actions to clear the crew from the site just prior to the rupture probably helped avoid fatalities.

The EPA based its report on site vis-

its interviews with those involved and research into similar sites across the country. Its goal was to investigate the Gold King Mine spill and determine ways to prevent future spills at similar sites.

At the time of the spill, EPA crews were working to pump contaminated liquid out of the mine, which has been inactive since 1920. But they underestimated the pressure built up behind debris at the mine's entrance and when workers removed too much debris, the roof ruptured, releasing a plume of toxic waste into the water.

"During the excavation, the lower portion of the bedrock face crumbled away and there was a spurt of water from the area in the lower part of the excavation area," the report states. "Shortly after the water spurted, more water started coming from the localized area of the spurt. The

color of the water was then changed to red.

But there was little that was done to prevent the blowout.

"Despite the available evidence suggesting low water pressure at the adit entrance, the pressure was sufficiently high to cause the blowout," the report states. "The pressure of the water was higher than anticipated, and that was part of the problem."

The report concludes that a significant factor in the blowout was the underestimation of the pressure of the water at the Gold King Mine.

The time lapse between the blowout and the flow of water was three to four minutes.

Senate Committee on Indian Affairs to hold

By Alysa Landry
Special to the Times

WASHINGTON - The Senate Committee on Indian Affairs will hold a hearing on the

states and three Indian nations to declare emergencies and limit access to the rivers.

Colorado, New Mexico and Utah all have filed lawsuits against the EPA.

hearing, scheduled for Sept. 20, will provide the opportunity for committee members to demand answers from the EPA.

The EPA plans to hold a